

Milton Town Council Meeting May 11, 2015

Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on May 11, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Esthelda Parker-Selby, present
Michael Cote, present
Sam Garde, present
Edward Kost, present
Marion Jones, present
Seth Thompson, the Town Solicitor was also present

These Preliminary Minutes:

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Hearing: Related to the Source Water Protection Ordinance:

- Written comments were to be accepted at Town Hall prior to 5:00 PM on May 11, 2015.
- No written comments were received prior to the deadline.
- No members of the public came forward to speak on the subject, since the draft ordinance had not been posted on the Town website prior to the meeting.
- The public hearing portion of the meeting was closed.

Public Participation

- Councilman Kanakos read a note into the record prepared by Dr. Donald Shandler of Grist Mill Dr. A copy of the note is included as Attachment 1.
- No other members of the public came forward for the public participation portion of this meeting.

Additions or Corrections to the Agenda

There were no additions or corrections to the Agenda brought forward.

Agenda Approval

A motion was made, seconded and unanimously approved to approve the Agenda as presented.

Presentation and Approval of Minutes: Transcribed Minutes dated November 3, 2014 and November 17, 2014; Minutes dated April 6, 2015, April 13, 2015, April 20, 2015, and April 27, 2015

- Messrs Garde, Kost, and Kanakos abstained from voting on the transcribed minutes dated Nov 3, 2014. Subsequently, a motion was made, seconded and unanimously approved by the remaining members to approve the transcribed minutes of Nov 3 as presented.
- Mr. Kanakos abstained from voting on the transcribed minutes dated Nov 17, 2014. Mr Garde requested changing the word “evasive” to “invasive” in 2 places on page 8 (Carlton Savage speaking), and changing the word “the” to “or” on the sixth line from the top of page 9 (Councilman Garde speaking.) No other changes were sought. Subsequently, a motion was made, seconded and unanimously approved by the remaining members to approve the transcribed minutes of Nov 17 as amended.
- There was a discussion of the “Preliminary” minutes prepared by the Secretary. Councilwoman Parker-Selby indicated that she favored these types of minutes and thanked Councilman Garde for preparing them.
- It was generally agreed to continue having preliminary minutes until such time as the transcribed minutes were vetted and approved.
- Two spelling changes were called for in the preliminary minutes of Apr 6: “Kristen” to “Kristin” and Sleby to Selby. A motion was made, seconded and unanimously approved to accept the draft preliminary minutes of Apr 6 as amended.
- Councilman Cote abstained from voting on the preliminary draft minutes of April 13 & April 20, since he was not present at those meetings.
- Motions were made, seconded, and unanimously approved by those voting to accept the preliminary draft minutes of Apr 13, Apr 20 & Apr 27 as amended to correct the spelling of Councilwoman Parker-Selby’s name.

Mayor’s Report

Mayor Jones indicated that this was a busy time, with multiple Council meetings, Planning & Zoning Commission meetings, and other committee and commission meetings. All of these undertakings indicate that the Town of Milton is moving forward on many fronts.

Proclamation for Police Week

Mayor Jones read a Proclamation declaring the week of May 11 - May 16, 2015 to be National Police Week and calling upon the citizens of Milton to observe May 15 as Police Officers’ Memorial Day. A copy of the Proclamation is included as Attachment 2.

Discussion of Written Committee Reports

Only a written Economic Development Committee report was included in the Council Package. The following were highlights of the discussions of this report:

- Item 5 should indicate Streets and Sidewalks Committee in the text in lieu of “Trees and Sidewalks”.
- There were questions regarding the process for including 3 individuals who were not Committee members, and whether they are to be voting members. If they are to be voting members, it was opined that they should go through the regular process, i.e.,

approval by a majority of Mayor & Council, and completion of Ethics forms. No vote was taken on the matter.

Department Reports

The Council Package contained reports from the following:

- Administrative Dept. April Monthly Report, prepared by Mrs. Rogers
- Code Enforcement April Monthly Report, prepared by Mike Trotta
- Project Coordinator April Monthly Report, prepared by John Collier
- Police Dept. Report March Monthly Report, prepared by Captain Cornwell
- Public Works April Monthly Report, prepared by Greg Wingo

There were a few comments by Town staff and questions asked and clarifications sought by various Council members; including the following:

- Project Coordinator Collier: folks from the State agency helping with the new website commented that the Milton website, as is, is the "most transparent" they had seen.
- Councilman Garde: please have the next monthly Code Enforcement report include resolution of the items not closed on the April report.
- Public Works Supervisor Wingo: expect to place concrete for Tower #2 foundation later this week. it will then take approx 3 weeks to set up & cure. The plan is drain that tower only after the site is ready, so it will only be dry for approximately 1 week.
- Public Works Supervisor Wingo: tower #1 painting is complete. (Council members commented that it looks great with the fresh paint & the new logo.) It has been treated to disinfect the interior. The plan is to fill it on Thursday, wait 24 hrs, and then take a sample. If the sample passes, it will be drained and refilled and put back in service.
- Public Works Supervisor Wingo: plan is to remove the existing clock this week, and to take the remains to the disposal site.

Finance Report and Revenue/Expenditure Report

An unaudited Treasury April Monthly Report was included in the Council Package, prepared by the Town Staff, and attested to by the Treasurer of the Town Council, Mr. Michael Cote. There were a few questions asked and clarifications sought by various Council members; all of which were resolved satisfactorily during the discussions.

Old Business: Discussion and Possible Vote on the Following:

a. Amendments to the Town Charter

Councilman Kost made a motion to approve Resolution 2015 - 010, A Resoution to Request an Amendment of the Town Charter of the Town of Milton Relating to its Enumerated Powers, as amended during the Town Council meeting on April 27, 2015. Councilman Garde seconded. The discussions clarified that the motion only involved the 3 specific modifications that were discussed during Town Council meetings in April, i.e., removing the 50 foot buffer from lakes, ponds and rivers from the Charter; raising the limit on real estate taxes from \$1 million to 1/2% of the total assess value of all real property and improvements within the corporate limits of the Town; and clarifying that

the Town may collect transfer tax up to 1.5% of the value of the real property. The motion was unanimously approved.

b. An Ordinance to Create a New Section Entitled "Source water Protection Area" within Chapter 220 of the Zoning Code (fourth reading)

- Councilman Garde had attended the P&Z meeting in which they took up their review of the State's draft ordinance for small municipalities. He praised P&Z for their preparedness and diligence in going through the State's document, choice by choice, discussing each in detail, and finally reaching unanimous agreement on each & every choice available.
- A motion was made, seconded and unanimously approves to table discussions since the draft ordinance had not been received prior to the meeting. The draft was given to Mayor and Council members just before the meeting.

New Business - Discussion and Possible Vote on the Following

a. Resolution to schedule a public hearing for the proposed amendments to the Town Charter

The Resolution was tabled as the Mayor & Council discussed additional meetings being scheduled in June, in order to reach agreement on the draft to be presented for a public hearing. It was generally agreed to schedule a discussion of Chapters 18 (Town Manager) and 19 (Town Clerk) during a meeting to be scheduled on June 8, 2015.

b. Award demolition contract for 307 Atlantic Street

The Council Package contained copies of the bids received and a recommendation for award to the lowest responsive bid. After brief discussions establishing that the bids were responsive to the solicitation, and that they included asbestos removal, a motion was made, seconded and unanimously approved to award the contract to Clark's Excavation for \$9,431.00.

c. Ordinance 2015 - 006 to amend Town Code Chapter 220 "Zoning", regarding a Buffer from Certain bodies of Water, and Resolution 2015 - 011 to refer to Planning & Zoning and Schedule a Public Hearing

Project Coordinator Collier indicated the following:

- The property adjacent to the theatre is not developable within 50 feet of the river in accordance with the current Charter.
- The Fire Dep't property across Front Street is adjacent to the river, and requires the buffer.
- Subaqueous areas (between high & low water marks) require State permits for development.
- The school district owns property adjacent to Wagamons Pond that requires the buffer.
- Some areas designated as wetlands by the Federal Gov't require additional buffers.
- Eminent domain is a tricky subject and may not be allowable under certain conditions. The Charter words that include that the buffer is protected so that the general public might enjoy the use the buffer could be challenged by private owners of properties within the buffer.

- The property previously known as the “Doc White” property has a designated wetland adjacent to the river, but requires the buffer in any event.

After discussions, a motion was made, seconded and unanimously approved to approve Resolution 2015 - 011 referring the draft changes to P&Z regarding a buffer to protect high tidal and fresh water ponds, lakes and rivers that the general public may enjoy the use thereof. The Resolution, as approved, gave P&Z enough time to make its recommendations so that the public hearing could be conducted on July 20, 2015.

d. Ordinance 2015 - 007 to Amend Town Code Chapter 220 “Zoning”, Section 46, “Fencing and Walls” and Resolution 2015 - 012 to refer to Planning & Zoning and schedule a Public Hearing

After discussions, a motion was made, seconded and unanimously approved to approve Resolution 2015 - 012 referring the draft changes to P&Z to correct an omission of the word “fence” in clause A of the Section 46 of Chapter 220 of the Code. The Resolution, as approved, gave P&Z enough time to make its recommendations so that the public hearing could be conducted on July 20, 2015.

e. An Ordinance to Amend Town Code relating to generators: Chapter 148-6 and 148-13 “Noise”, Chapter 85-4 “Building Construction” and Chapter 220-26 “Zoning”; Resolution 2015-013 to refer Chapter 220-26 amendment to Planning and Zoning

- The Council Package included the results of investigation by Project Coordinator Collier indicating that Milford & Laurel are the only municipalities within Sussex County that currently have requirements for permitting permanent standby electric generators.
- The Mayor & Council agreed to delete reference to an exemption only during extended power outages.
- The interpretation of the existing Noise Ordinance was reiterated that testing of emergency generators be considered intermittent operation of small power equipment, thus allowing up to 74 dBA.

After discussions, a motion was made, seconded and approved by a vote of 6 to 1 to approve Resolution 2015 - 013 referring the relevant draft changes to P&Z.

Councilwoman Parker-Selby voted “nay”. The Resolution, as approved, gave P&Z enough time to make its recommendations so that the public hearing could be conducted on July 20, 2015.

f. Six month Budget review and Amended Fiscal Year 2015 Budget

The Council Package contained a textual document itemizing those line items for which amendments were proposed and the reasons therefore. It also contained a spread sheet with the line items highlighted for which changes were recommended. Treasurer Cote introduced both documents and led the discussions of each recommended change. Some of the changes are required by virtue of previous actions by Mayor & Council, or by procurement processes that resulted in mandatory compliance with applicable regulations, or non-anticipated expenditures. The actions taken regarding line items that required changes or choices by Mayor & Council included:

- Acct # 01-200-5808; Capital Expense for a Temporary Recording System in Town Hall. After Captain Cornwell explained that Delaware is a single party consent state, and opined that such an investment was judicious and would help protect the Town liability-wise, a motion was made, seconded and approved by a vote of 6 to 1 to not include this \$8,000 item in this mid-year update. Councilwoman Parker-Selby voted

“nay”. The Town Solicitor agreed to research whether any Federal regulations applied to out-of-state calls in a single party consent state.

- Acct # 01-300-9110; Equipment - Violent Crimes. There was a typographical error on the spread sheet. The amount should have been \$2,835.01 instead of \$8,235.01.
- Acct # 01-600-5803; Capital expense - Park Lighting LED Upgrade. Discussions of the pros & cons of this “LED Pilot Project” included:
 - The Town owns currently owns the 5 high pressure sodium lights in Milton Park.
 - A State grant will cover the installation of 3 additional lights along the river.
 - The estimate is \$2,500.00 per light to change the internals of the fixtures to accommodate LED lights.
 - Public Works Dep’t was requested to get a quote for new lights already fitted for LED
 - Leaving the \$20,000 in the budget still requires the full procurement process, and the total amount may not be spent.
 - After discussions, a motion was made, seconded and unanimously approved to leave the \$20,000 in the amended budget.
- Acct # 01-650-5802 and Acct # 20-450-5817, Capital Expense for large-scale printing & archiving equipment. This recommendation was to rent equipment from ShoreScan for 2 months, 3 days on-site scanning to be performed by ShoreScan, and 4 months of upload to the file cabinet. The plan is to require drawings to be submitted in digital form after this program. After discussions, a motion was made, seconded and unanimously approved to include \$2,586 in each of the referenced line items in the amended budget.
- Acct # 01-03-200-4960 Transfer tax revenue. This account will be used to balance the General Fund changes in expenditures approved during this meeting.

After discussions, a motion was made by Councilman Cote, seconded and unanimously approved to approve the mid-year update to the Town’s budget, as recommended, but amended as a result of the agreements made during this meeting.

Executive Session

A motion was made, seconded and unanimously approved to go into executive session. At the end of the Executive Session, a motion was made, seconded and unanimously approved to come out of Executive Session.

Discussion and possible vote on Executive Session Items

A motion was made , seconded and unanimously approved to back into regular session. No motions were required in regular session as a result of the Executive Session.

Adjournment

A motion was made, seconded and unanimously approved to adjourn.

Approval

These minutes were approved at the Town Council meeting held on June 1, 2015.

Very Respectfully submitted,
James C. (“Sam”) Garde, Secretary of the Town Council